1950. File No. S.DWR 9/50

Examined

Legal DEPARTMENT
A BRANCH

Subject:— Dharwar Suit

Civil Suit No. 204 of 1949

1) Venkatesh Sabbaji Kulkarni
2) Hanmant Sabbaji Kulkarni } Plff.

Vs.

1) The Province of Bombay
2) Ramappa Hallappa Bhanavalli } Defts.

For a declaration of title to a plot of land in the village Sitalkuppelur Taluka Ranebinnur, District Dharwar.

1-13

S. DWR 9/50

File No.

Bld. South. Slip 34-B

S.DWR 9/50

C O N T E N T S.

Legal Department File No. S. DWR. 9/50

Sr.No.	R.I./O.No.	Subject	Pages.
		Suits Dharwar	
		C. S. No. 204 of 1949.	
		Venkatesh Sabbaji Kulkarni and another.	
		Vs	
		Province of Bombay and another.	
		For a declaration of title to a plot of land in the village site at Kuppelur Taluka Ranebinnur, Dist. Dharwar.	
			1 - 26

L.C.S.No. 204/1949.

Statement of facts

In the Court of the Civil Judge, Senior Division

H u b l i.

Plaintiff :- 1, Venkatesha Subbaji Kulkarni, age 52, caste Brahmin, occ. agriculturist of Keppelur, Taluka Ranebinnur.

2. Hanamant Subbaji Kulkarni, age 56, caste Occupation and residence the same as above.

vs.

Defendants :- 1. The Provincial Government of Bombay, Bombay.

2. Ramappa Mallappa Bhanawalli, age 40, caste Lingayat, occ. trade of Kuppelur, Taluka Ranebinnur.

Claim for Court fees Rs 90-0-0

" jurisdiction " "

1. This case if fixed for filing the written statement on 23 -12-1949.

2. Notice by the plff's to the Provincial Government of Bombay has been served according to section 80 C.P.C. on 11-12-1948 (see page 25 file II).

3. This suit has arisen out of a claim for possession of Government open site in the village of Kuppelur in Ranebinnur Taluka in Dharwar District.

4. At page 9 file II there is a map in which the area in dispute is marked with red pencil. The area is a part of the open space which is reserved for burning Kama deity in Holi Paurnima every year. To the west of the disputed area there are steps used by the public for going to the river Kumadvati. To the north also there is

space used by the public.

5. The Plaintiff's had once encorached upon a portion of the area in dispute, which was ordered to ~~kkk~~ be removed by the Prant Officer Haveri Division on 6-12-1948 (page 38 file I). The same was removed before 15-2-1949 (page 45 file I).

6. The present defendant 2 applied to the Prant Officer II Division for grant of the site for his use for Panch valuation on 1-11-1947, page 1 file II) which was granted to him on 2-5-1948 (page 24 file II).

7. Deft 2 has passed a Kabulayat on 2-5-1948 ~~kxpxxgxx24xx~~ in favour of the Government on 13-5 -1948 and has taken possession of the same. This fact has been entered in the R.R. on 7-6-1948 (page 33 file II).

8. There are two trees one of neem and another of Baboql in the area taken possession of by deft 2. Deft 2 applied for permission to cut the trees as he wanted to construct a building on the open space. But Plaintiff No.1 applied to the Mamlatdar not to give permission to deft 2 as the trees belonged to him and not to deft 2. But the Prant Officer, Haveri Division held that Plff's application was false and hollow, that the trees belonged to deft 2 (page 22 file II).

9. In the meanwhile the plff No. 1 had applied to the Collector of Dharwar on 24-11-1948 agitating about the same matter. There also he could not succeed.

10. Then plffs gave notice under section 80 C.P.C. of the intended suit on 9-12-1948 and have filed this suit on 21-4-1949.

Hubli.
26-11-1949.

B R Ellatwad.

Sub Government pleader,

H u b l i.

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Written Statement.

L.C. 204/1949.

In the Court of the Civil Judge, Senior Division

H u b l i.

Plaintiffs :- 1. Venkatesha Subbaji Kulkarni, age 52 Caste Brahmin, occ. agriculturist of Kppelur, Taluka Ranebinnur.

2. Hanmant Subbaji Kulkarni, age 56, caste, occupation and residence, the same as above.

vs.

Defendants :- 1. The Provincial Government of Bombay, Bombay.

2. Ramappa Mallappa Bhanavalli, age 40, caste Lingayat, occ. trade of Kuppelur, Taluka Ranebinnur.

Claim for Court fees Rs 90-0-0

" jurisdiction 90/-

1. The plff's case is false and not tenable in law

2. [illegible] None of the plff's allegations in the plaint are admitted by this deft.

3. The suit is barred by the provisions of the Revenue Jurisdiction Act.

4. The map annexed to the plaint is not correct and is not admitted by this defendant.

5. The boundaries have been wrongly mentioned by the plaintiffs. To the west of the suit property are the steps used by the public to go to the River Kumuddvati. The steps are in the Government open site which forms part of the public place to burn Kama.

6- The plffs have no right , title or interest in the suit property. The suit site belongs to the Government.

7. It is false to say that plffs and their ancestors have made wahivat of the suit property and become owners by prescription, user and adverse possession for more than sixty years.

8. The suit property was not in possession of the plffs at any time. They have never made wahivat of the same.

9. The plffs cannot question the grant of the site to deft 2 by the Collector and they cannot claim notices before grant, as they have nothing to do with the suit property.

10. Plff's ought to have moved the higher authorities of the Collector, if at all his order adversely affected them. Since they have not done so, they cannot bring this suit in this Court so as to ~~grant~~ question the legality or ultra virassness of the order of the Collector in granting the site to deft 2.

11. The action of deft 2 is not illegal or high handed.

12. No cause of action has arisen to plffs to bring this suit.

13. The Court fee paid is not proper and it is less.

14. Plff's suit in the present form is not tenable in law.

15. The plff's prayer for declaration, injunction , possession and for easement right cannot be granted in this suit.

16. The plff's suit is bad for misjoinder of causes of action.

Hence it is prayed that the plffs' suit be dismissed with costs.

Hubli.
26-11-1949.

Sub Government pleader,
Hubli.

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Dharwar Civil Suit No.204 of 1949

In this suit the plaintiffs claim ownership over Government village site land. The defence of the suit may be sanctioned on the lines of the accompanying brief.

11-1-1950

RLA 11/1

Secy R/R 12.1.50

REVENUE DEPARTMENT,
SECRETARIAT, BOMBAY.
12-1-50 3-40

B

KW 13/1

x No 503
d-12-1-1950

MAP/-
10/1.

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In the Court of Civil Judge, Senior Division,

Hubli.

Civil Suit No.204 of 1949

Venkatesha Subbaji Kulkarni and another — Plaintiffs

versus

The Province of Bombay and another. — Defendants.

The following is the writen statement of the defendant No.1.

The plaintiffs' claim to ownership in respect of the site land is denied.

2. The suit land formed part of the village Gaathan and was the property of the Government under section 37 of the Bombay Land Revenue Code. It was therefore competent to Government to grant the suit land to defendant No.2 or to whomsoever it deem fit.

3. The plaintiffs' allegation that they and their ancestors had become owners of the site land by user of 60 years is denied..

4. This defendant therefore submits that the plaintiffs' suit may be dismissed with costs.

I, ... District Government Pleader, ... , do hereby declare that what is stated in paragraphs 1 to 4 above is true according to the information received and believed to be true. This verification is made at..... on the..... day of..... 19

District Government Pleader,

MAP/-
10/1.

RESOLUTION.—Sanction is accorded to the defence of the suit on the lines of the accompanying brief.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to Government.

Original

G. R., L. D., No. 1018, dated the 21st January 1950.

To

* The Revenue Department,
* The Collector of Dharwar,
The Sub-Government Pleader, Hubli (with two copies of the Brief).

*With a copy of the brief.

No. of 1950.

Copy forwarded for information and guidance to

Issued on 20/6

Subdt. after issue
file in Civil Suit 5 (New)
21-6
Subdt Dhr
21/6

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Suits :

Dharwar.

For a declaration of title to a plot of land in the village site at Kuppelur Taluka Ranebinnur, District Dharwar.

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT.

Resolution No. 1018.

Bombay Castle, 21st January 1950.

Letter from the Sub Government Pleader, Hubli, No. 114, dated the 26th November 1949—Forwarding the papers in the suit noted in the margin and requesting sanction to its defence.

IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION), HUBLI.
CIVIL SUIT NO. 204 OF 1949.

(1) Venkatesha Sabbaji Kulkarni, (2) Hanmant Sabbaji Kulkarni .. .. Plaintiffs;

versus

(1) The Provincial Government of Bombay, (2) Ramappa Mallappa Bhanavalli .. .. .. Defendants.

Memorandum to the Sub-Government Pleader, Hubli, No. 766, dated the 17th January 1950—Forwarding a copy of the brief with its accompaniments in advance.

DHARWAR (HUBLI) CIVIL SUIT No. 204 OF 1949.

Chronological Statement of Facts.

The suit is for a declaration of the plaintiffs' title to a plot of land in the village site at Kuppelur, Taluka Ranebinnur, District Dharwar.

2. The site in dispute was of the ownership of Government which was granted to defendant No. 2 on payment of occupancy price under an order of the Prant Officer, Dharwar No. R. 2,004 dated 2nd May 1948.

3. On 24th November 1948 the plaintiff No. 1 applied to the Collector of Dharwar stating that the site belonged to him and should not be given to anybody. He therefore requested the Collector to call for the papers and inquire into the matter. On 9th December 1948 the plaintiff gave notice of suit under section 80 of the Civil Procedure Code and on 21st April 1949 he filed the present suit in the Court of the Civil Judge, Senior Division, Hubli.

Grounds of Defence.

The plaintiffs' allegation regarding the title to the suit land should be denied and they should be put to strict proof thereto. The plaintiffs have not referred to any documentary evidence in support of their claim to ownership for the suit land. They merely allege that they have used the site in question for more than 60 years and that they and their ancestors used to deposit dung, fuel, fodder etc. on the site. This contention should not be admitted. It appears that the site is a part of the village Gamthan which vests in Government under section 37 of the Land Revenue Code. The user of the village site land for such purposes as storing dung or fuel or staking fodder is common in all villages and is merely permissive and it is not sufficient to constitute such user an act of juridicial possession which can ripen into title by prescription. (see Suraji *v.* Secretary of State, 39 Bom. L.R. 216). The plaintiffs' claim on the basis of adverse possession for more than 60 years should therefore be denied.

2. For the above reasons it should be contended that the suit fails and must be dismissed with costs.

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(New Delhi)
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Received on 13/4/1949.

Registered on 15/6/1949.

Decided on 28/8/1950.

Duration : 1 year, 4 months and 15 days.

In the Court of the Civil Judge, Senior Division,

at Hubli. Ex. 37.

L. C. Civil Suit No. 204 of 1949 .

Pleaders : -

Shri.S.R.Joshi and "V.H.Ghatikar.

1. Venkatesh Subbaji Kulkarni, age 52, occupation agriculture of Kuppelur, Taluka Ranebennur.

2. Hanamant Subbaji Kulkarni, age 56, Do. of Do.

.....Plaintiffs.

Versus.

Shri.B.R.Mathad. " P.I.Hiremath.

1. The Provincial Government of Bombay, Bombay.

2. Ramappa Mallappa Bhanawatti, age 40, trader of Kuppelur Taluka Ranebennur.....Defendants.

Claim Rs. 90/- for both the purposes.

In this the abovenamed plaintiffs state in the plaint as under : -

1. The sketch of site in suit is annexed to the plaint.

Open site situate at Kuppelur, Taluka Ranebennur in dispute is enclosed within the following boundaries : East : Open site of Guracharya. West : Steps belonging to the plffs leading to their houses. North : Open site of the plffs. South : Public place to burn Kama deity in Holi Holidays. In the annexed map the suit site is as A B C D .

2. The plffs are the owners of the said site and it was in their possession and wahivat since long upto its grant by the Assistant Collector to defendant 2 for more than 60 years as owners.

3. Defendant 2 applied to the Collector for a grant of the above site as belonging to Government by a Patta about one year back. The Collector, it appears, without notice to the plffs or without holding a public auction sale of the said site as required by the rules has granted the said site to the said deft 2 as a site belonging to deft 1 .

4. The plffs came to know of the said grant - about 6 or 7 months back and contended that the said site was of their ownership and that the Government was wrong in granting it to deft 2. The plffs applied to the Collector to set aside the said grant to deft 2. But the plffs have as yet - received no reply as to the result of their application dated 16/6/1948. But about 2 months back, the deft No. 2 put up a fence all round the site inspite of the protests of the plffs.

5. The action of deft 2 is illegal and high-handed.

6. The plffs have used the site in question as owners since more than 60 years. They and their ancestors have used the said site since more than 60 years to approach the public road to the south . They and their ancestors have been using the said site to put up dung, to store fuels,fodder and to stack hay. The water from the higher plane included within the site marked X Y Z B belonging to the plffs situate to the north of the suit site flows through the said site - towards the gutter to the south from time immemorial.

7. The grant of the suit site to deft 2 is a violation of the plffs' rights, namely, their right to discharge water over it and use it as a passage to the road to the south and make wahiwat of it as a private owners.

8. This act of the Government is illegal, ultra vires and interferes with the plffs' rights.

9. The plffs have become owners of the suit site by prescription by user and adverse possession against Govt, as owners for a period of over 60 years, the statutory period - required to perfect title against deft 1

10. The plffs having been aggrieved by this - illegal act of the Collector gave notice to the Provincial

Government under Section 80 of the Civil Procedure Code intimating their intention to file a suit against the Govern..ent. Deft 1 having failed to redress the plffs' grievance, they have to institute this suit for the reliefs claimed below .

11. The notice under section 80 of the C.P.C.has been delivered to the Provincial Government of Bombay

12. The cause of action arose in June 1948 when the plffs came to know of the grant of the suit by the Prant Officer, Haveri Division, Dharwar to deft 2, who put up a fence there.

13. The value a for Court fees for the purposes of this suit is Rs. 65/- as the reliefs claimed are for declaration and consequential relief and a fixed Court fee of Rs. 6/4/0 and for the relief of possession, the value of the property being Rs.25/- , Court fee of Rs. 2/6/0 is paid on Rs. 25/- and for - purposes of jurisdiction the valuation is Rs. 90/- only.

14. The deft 1, the Provincial Govt. of Bombay being a party to the suit, this Court has therefore jurisdiction to hear this suit..

15. The plffs claim for the following reliefs :-

(a) That the plffs be declared to be the owners of the suit site and that the act of the Govt. through its Officer the Collector, Dharwar in granting it to deft 2 without holding public auction is ultra vires and illegal even if plffs are not owners,

(b) That they have become owners thereof by prescription by user and adverse possession for a period of 60 years ,

(c) That the site in question be handed over to the plffs as owners from the defendants,

(d) That a permanent injunction be issued against defendant 1 not to put any fence round the suit site so as to interfere with the plffs' rights,

(e) In the alternative, the plffs have a right to discharge water from the higher plane, X Y Z B as shown in the annexed map and to go over to the site to reach the road to the south as rights of easement, if not as owners,

(f) That defts be restrained from obstructing the plffs from making wahivat of the said site, as owners and to go over it to the road and to discharge water over it and to put dung and to store the stack of hay and

(g) That costs of the suit be awarded to the plffs.

16. The deft No. 1 by his written statement Ex. 19 contends as follows : - The plffs' claim to ownership in respect of the suit land is denied. The suit land formed part of the village Gamathan and was the property of the Govt. under section 37 of the Bombay Land Revenue Code. It was - therefore competent to Govt. to grant the suit land to deft 2 or to whomsoever it deemed fit. The plff's allegation that they and their ancestors had become owners of the site land by use of 60 years is denied, and that therefore the suit should be dismissed with costs .

17. Deft No. 2 by his written statement Ex.14 contends as follows : -

18. That the boundaries given in para 2 of the plaint are not admitted by the deft. It is false to state that on the west of the site in dispute there are steps belonging to the plffs. They are the ~~xxix~~ public steps that are - used by the public and for public purposex. It is false to state that on the north there is a site of the plffs; that is a site belonging to the Government and used by the public. The deft does not admit the contents of the map. It has been drawn up to suit his taste. The description given therein is not - true and justifiable.

19. That the deft does not admit that the plffs are the owners of the site in dispute. This averment is false and baseless. This site in dispute is never in - possession and wahivat of the plffs since long i.e. for more than 60 years as owners. This baseless allegation has been carved out by the plffs designedly to bring his case within the orbit of law.

20. That the deft does not admit the rule or rules as alleged by plffs; it is incumbent upon the Collector

or any Govt. authority to put the site for public auction and then grant it. The powers of the Government authorities concerned are unfettered in this respect. Hence plffs' allegation to this effect is unwarranted.

21. That the proceeding that has been started between the defts Nos. 1 and 2 in connection of the grant of the site in dispute is legal and proper. On the application being made by deft 2, a proper inquiry was held, the village Panchayat and the public were consulted . Then the Government authorities concerned, after thorough enquiry were satisfied that in the fitness of things that the suit site should be granted to the deft 2. Accordingly the panch - valuation was being made and the grant of the said site was made to the deft No. 2 validly and legally. The plffs have no right to challenge the validity and legality of the grant of such site to deft 2 .

22. But the deft does not admit that the plffs were in possession of the site in dispute as owners since the last about more than 60 years. It is false and baseless to state that the plffs and their ancestors used to make wahiwat of this site. It is also false and baseless to state that the plffs were storing dung, fodder, fuel etc.since the time of their ancestors. It is not true to say that the water from the higher place used to pass through the suit site and flows towards the gutter.

23. That the prescriptive or easement right or such other rights as alleged by the plffs cannot be claimed by the plffs over the suit site and such rights have never been enjoyed by the plffs or their ancestors at any time before suit. They have no right whatsoever over the site in dispute . So the averments made in paras 6 and 7 are false and baseless.

24. That the deft affirms that the action of the deft No.1 is legal, proper and within the powers vested in the authorities concerned.

26. That the deft does not admit the allegations made in para 9 of the plaint. It is false to state

that the plffs have acquired the right of prescription by user and adverse possession upon the suit site against the Govt.as owner. The plffs are not entitled ~~to~~ in any way to the suit site.

27. That the defendant does not admit the validity and legality of the notice alleged to have been issued to the deft 1. This defendant does not admit the contents of the said notice if any.

28. That the defendant after the grant of the suit site being made on 13/5/1928 became the full owner of the property and has been enjoying the said site accordingly. The plffs have no right to challenge the grant .

29. The suit of the plffs is not tenable in law .

30. That the suit of the plffs is not instituted in time. They ought to have filed the suit within one year from the date of the order of the Government ~~authority~~ authority concerned if at all they are aggrieved by the same .

31. The following issues were framed at Ex. 22 : -

1. Do plffs prove their title to the suit site ?
2. Do they prove that they have become owners by adverse possession for more than 60 years so as to perfect their title against deft 1 ?
3. If not, do they prove that they have a right to discharge water from X Y A B over the suit site ?
4. Do they prove that they have a right of passage over the suit site to the road to the south ?
5. Are the plffs entitled to possession ?
6. If not, are they entitled to the injunction sought ?
7. Is it proved that the grant of the suit site to deft 2 by deft 1 is illegal, ultra vires and not binding on the plffs ?
8. Is the notice under Section 80 C.P.C. legal ?
9. What decree or order ?

My findings are : -

1 : - No. 2 : - No. 3 : - No. 4 : - No.

5 : - No. 6 : - No. 7 : - No. 8 : - Not pressed

9 : - See below.

Reasons.

The dispute in this case is in regard to a very small piece of open site situated in the Kuppelur village, Ranebennur Taluka. Defendant 2 applied to the Collector that this open site should be granted to him some where in 1948 . Then the Prant Officer passed an order on 2/5/1948 that this ~~at~~ site should be granted to the defendant No, 2 and accordingly on 5/5/1948, he directed the Mamlatdar to deliver possession to defendant 2 . Then on ~~x~~ 13/5/1948, the site was granted to the defendant by the Government and accordingly a patta was issued in his name . Now after defendant 2 was in possession of the site that is on 15/6/1948, the plff 1 applied to the Collector that the open site which was granted to deft 2 should be sold by public auction once again and that he was willing to purchase the same, since he was in need of the site as it was situated in front of his house and was necessary for storing his agricultural implements. The plff's application was turned down by the Collector and so, he ~~has~~ brought this suit . His case is that the site is of his ownership, that it does not belong to the Government. This has been in the possession of his ancestors and of himself for the last more than 60 years, that he has been always making wahivat of this open site and by reason of adverse possession also he has become the owner of the site. His further allegation is that the site has been granted to deft 2 without holding a public auction after proclamation in the village and therefore, the procedure adopted by the Government in granting the site to deft 2 is improper and illegal and therefore the site should be restored to him .

There is no substance in the plaintiff's case .

It is no doub. true that the open site in dispute is in front of his house. But in-between the open site and the plff's house, there is an open ground which does not belong to the plff. It is used as a passage by the plff's neighbours to the east for going to the river, which flows on the backside of the plff's house. To the west of the site there are steps leading to the river to the north: These

steps are used by the public. I am not prepared to accept the plff's story that these steps were constructed by their - ancestors and that he is using them to go to his house to the north. To the south of the site, there is an open site which admittedly belongs to the Government. The site is also bounded to the west by an open ground. That the site in dispute could not be of the ownership of the plff because on his own admission he had been served with a notice by the Government in 1944 to remove the nuisance which was causing to the site. If the site had belonged to him, then it is improbable that he would have been asked by the Government to remove the nuisance. Now the plff alleges to have purchased this site in 1922 from one Narsavva and in support of that contention he, has produced a receipt passed to him by Narsavva on 9/9/1922 at Ex. 21/2. This receipt could not be admitted in evidence to prove the plff's ownership for want of registration because the consideration was more than Rs. 100/-. I have already - referred to the fact of the plff having made an application to the Collector after deft 2 had been put in possession of the site that it should be auctioned once again. That application has been produced by deft 1 at Ex. 22. The application is dated 15/6/1948. Now in that application the plff has clearly admitted the ownership of the Government over this site. But the - plff's explanation now is that the contents of his application are not correct because he wrongly stated therein that the site belonged to Government. His present explanation cannot be - accepted. It appears that plaintiff was illegally making wahiwat of the site by storing his fuel, fodder etc. there. But his - wahiwat of the open site cannot give him a title by adverse - possession. I therefore hold for these reasons that plff fails to prove his title. Nor has he become the owner of the same by adverse possession.

He says that he has a right to discharge the waste water through the suit site and that right of his should not be disturbed. He also claims a right of passage over this site to go to the road to the south. He has not proved that he has - got any of these rights over the suit site and therefore none can be granted to him.

The plaintiff has failed to show how and in what manner the procedure adopted by the Government while granting the site to the defendant 2 is in any way illegal. He did not so complain when he applied to the Collector to re-auction the site. Therefore this contention of the plaintiff is an after-thought.

I, therefore, for these reasons record my findings on the issues as above and pass the following order.

Order

The plaintiff's suit is dismissed with costs. And the plaintiff do bear the defts' costs.

23-8-1950. Sd/- S. M. Bhoj.
Civil Judge, Senior Division.

Dwr. 9/50 Vide D. G. P's letter No. 15/dl-4—11-50
(R. I. No. 20/14 14/11/50)

D e c r e e.

In the Court of the Civil Judge, S.D.,
Hubli, at Hubli.

Exh. No. 38. ✓

L.C.Civil Suit No. 204 of 1949.

1. Venkatesh Subbaji Kulkarni and
another -- -- plaintiffs.
against.
1. The Provincial Government of Bombay
and another-- defendants.

Claims Rs.
for Court fees and jurisdiction
Rs. 90/-

Plaint presented on 23-4-1949,
Plaint filed on 15-6-1949.

This suit coming on this day the 23th day of August 1950 before Shri.S.M.Bhoj, Civil Judge, S.D., Hubli, in the presence of Shri.S.N.Joshi, pleader and Shri.V.H.Chatikar, pleader for the plaintiffs and Shri.B.R.mathad, Sub Covernment Pleader for defendant No.1 and Shri.P.I.Hiremath, pleader for defendant No.2, it is hereby ordered and decreed as under :-

The plaintiffs' suit is dismissed with costs. and the plaintiffs do bear the defendants costs

(P.T.O.....

Bill of Costs

Plaintiff		Defendant- No.1	
Stamp for plaint.	8-10-0	Stamp for Applications.	5- 0-0
-do- for vakalat.	0-10-0	Pleaders fees on Rs.90/- total.	15- 0-0
			20- 0-0
-do- for applns.	3- 2-0	Application disallowed.	5- 0-0
-do- for process	1- 8-0	Balance.	15- 0-0
pleaders fees on Rs.90/-	15- 0-0		
	28-14-0		
Costs disallowed.	2- 8-0	Defendant No.2	
Balance.	26- 6-0	Stamp for vakalat	0-10-0
		do for applns	1- 4-0
		Subsistance allowance	34- 0-0
		Pleaders fees.	15- 0-0
			50-14-0
		Costs disallowed.	1- 4-0
		Balance.	49-10-0

Given under my hand and the seal of the Court, this 28th day of August, 1950.

Sd/- x x x x

Civil Judge. S.D., Hubli.

Suits:

Dharwar

For a declaration of title to a plot of land in the village site at Kuppelur Taluka Ranebinnur, District Dharwar.

GOVERNMENT OF BOMBAY
Legal Department
Resolution No. 299
Bombay Castle, 5th January 1951.

Read Government Resolution Legal Department No. 1018 dated 21st January 1950.

Letter from the District Government Pleader, Dharwar No.945, dated the 9th September 1950, stating that the suit

In The Court of The Civil Judge (Senior Division) Hubli. Civil Suit No. 204 of 1949 (1)Venkatesha Sabbaji Kulkarni) (2) Hanmant Sabbaji Kulkarni) Plaintiffs; Vs. (1) The Provincial Government of Bombay (2)Ramappa Mallappa Bhanavalli) Defendants	noted in the margin was decided by the Civil Judge (Senior ~~Southern~~ Division) Hubli on 28th

August 1950, when the following order was passed:-

"The plaintiff's suit is dismissed with costs. And the plaintiff do bear the defendants costs".

Letter from the District Government Pleader, Dharwar No.1167, dated the 8th November 1950, forwarding uncertified copies of the judgment and decree.

RESOLUTION:- The result of the suit is recorded.

By order of the Governor of Bombay,

(E. P. Bhamgara)
Additional Assistant Secretary to Government.

To

The Revenue Department,
The Collector of Dharwar,
The District Government Pleader, Dharwar.

P.H.R.
3/1

~~Ex~~ 26
Submitted after issue
file in S. ONE. 9/5

1154
10/1.

A. Sec.

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